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JAN 30 2002

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In re Application of NEUSS
U.S. Application No.: 09/806,758
Int. Application No.: PCT/EP00/04658
Int. Filing Date: 22 May 2000
Priority Date: 20 May 1999
Attorney Docket No.: THIE.0009USA
For: RADIALLY EXPANDABLE VESSEL
SUPPORT

DECISION

This is in response to applicant's "Renewed Petition to Correct Inventorship Under 37 CFR §1.497(D)" filed 18 January 2002.

BACKGROUND

On 22 May 2000, applicant filed international application PCT/EP00/04658, which claimed priority of an earlier Germany application filed 20 May 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 30 November 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 20 December 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 20 November 2001.

On 03 April 2001, applicant filed national stage papers with the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 09 August 2001, applicant filed a petition under 37 CFR 1.497(d) along with an executed declaration.

On 21 November 2001, this Office mailed a decision dismissing the 09 August 2001 petition.

On 18 January 2002, applicant filed the present renewed petition along with a copy of a purported assignment agreement.

DISCUSSION

The DO/EO/US has received a Notification of the Recording of a Change (Form PCT/IB/306) from the International Bureau which indicates that Michael Orlowski has been added as an inventor. Thus, the declaration filed 09 August 2001 is in compliance with 37 CFR 1.497.

CONCLUSION

For the reasons above, the petition is **DISMISSED AS MOOT**.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a translation of the international application into English and the appropriate late filing surcharge must be submitted.



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